8320461/2023/VIG-VI-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Public Services – PR&RD Dept. – Allegation of negligence and delay in payment of final bill amount to the Petitioner pertaining to the work of "Construction of Compound Wall to Z.P. High School, Nagulavaram Village of Vinukonda Mandal, Palnadu District" – Non implementation of Hon'ble High Court Orders dated:05.10.2021 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District covered under the Batch cases of W.P.No.10038/2021 - Form-I Notice to the Respondents in C.C. No. 1744 of 2022 – Initiation of Disciplinary Proceedings against Sri G.Sudhakar, the then Dy. Executive Engineer, RWS&S of Zone-II and on deputation working as In-charge Executive Engineer, Samagra Shiksha, Guntur and receipt of WSD – Payment made prior to Court orders – Further action dropped – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.VI) DEPARTMENT

G.O.Rt.No.893 **Dated:20/12/2023.**

Read the following:-

1. Common Order dated:05.10.2021 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy, R/o Vinukonda Mandal, Guntur District, covered under the Batch cases of W.P.No.10038/2021.
2. Orders of the Hon'ble High Court of A.P., dated:14.10.2022 in C.C.No.1744 of 2022 in which Notice issued in Form-I to Respondents and Personal Appearance of Principal Secretary to Govt., P.R. & R.D. on 18.11.2022
3. G.O.Rt.No.919, PR&RD (Vig.VI) Dept., Dt:21.11.2022.
4. WSD of the CO Sri G.Sudhakar, the then Dy. Executive Engineer, RWS&S of Zone-II, dt:17.04.2023.
5. Orders of the Hon'ble High Court of A.P., dated:22.11.2022 in C.C.No.1744/2022 in W.P.No.22431 of 2021 filed by Sri Maddula Venkateswara Reddy
6. Govt.Memo.No.1906781/Vig.VI/2022-2, dated:21.02.2023
7. From the ENC, RWS&S, A.P., Lr.No.Vig(2)/RWS&S/22431/2022, dated:14.06.2023

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ORDER:

Whereas it is noticed that Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as In-charge Executive Engineer, Samagra Siksha, Guntur has not taken proper action to implement the Orders of Hon'ble High Court of A.P., dated:05.10.2021 in W.P.No.22431 of 2021 covered under the Batch cases of W.P.No.10038/2021. Though the work was completed on 03.05.2021, as per the Orders passed by the Hon'ble High court of A.P., dated:05.10.2021 in W.P.No.22431 of 2021, he paid the final bill amount to the Petitioner with a

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delay of (9) months i.e., on 07.07.2022 pertaining to the work of "Construction of compound Wall to Z.P.High School, Nagulavaram Village of Vinukonda Mandal, Palnadu District" and thereby Hon'ble High court issued Notice in Form-I to the Respondents in C.C.No.1744/2022, which causes embarrassment situation to the Government, before the Hon'ble High court.

2. In the reference 3rd read above, disciplinary proceedings were initiated against the then Deputy Executive Engineer, RWS&S of Zone-II and on deputation working as In-charge Executive Engineer, Samagra Siksha, Guntur who has violated the above Orders of Hon'ble High court and failed to discharge his duties, exhibited lack of integrity, not shown devotion to duty and exhibited unbecoming of a Government Servant and thereby contravened Rule 3 (1) and 3 (2) of A.P. Civil Services (conduct) Rules, 1964. The Charged Officer has submitted his Written Statement of Defense vide reference 4th read above, in which he has denied the averment of charge against him in the article of charge as assumptive and coined to initiate action against him and also stated that to kindly consider his submissions sympathetically in the light of his track record and further action may be dropped against him in this disciplinary case in the interest of justice.

3. In the meanwhile, the Hon'ble High Court of Andhra Pradesh, vide orders 5th read above, has delivered the following orders, as mentioned hereunder:

> "Considering the facts and circumstances of the case, in the considered opinion of this Court, It is appropriate to close this contempt case with a warning to the Respondents to be more cautious, vigilant and alert in implementing the orders of this Court in future. Accordingly, this contempt case is closed".

4. In the reference 6th read above, the Engineer-in- Chief, RWS&S was requested to furnish his specific remarks on the Written Statement of Defense submitted by the Charged Officer. In response the Engineer-in-Chief, RWS&S, vide reference 7th read above, has stated that in obedience to the Hon'ble High Court orders on 05.10.2021 in WP No.22431/2021, the payment was made to the contractor Sri Madduka Venkateswara Reddy on 07.07.2022. Though the payment was made on 07.07.2022, the Hon'ble High court in their orders dated:14.10.2022 in C.C.No.1744 of 2022 have issued notice to the respondents which was an embarrassing situation before the Hon'ble High Court of Andhra Pradesh due to gap of communication in the orders of the court.

5. Government, after careful examination of the Hon'ble High Court of Andhra Pradesh orders in C.C.No.1744/2022 in WP No.22431/2021 and with reference to the remarks of Engineer-in- Chief, RWS&S and the representation submitted by the individual, hereby drop further action

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against the Charged Officer i.e., Sri G.Sudhakar, the then Deputy Executive Engineer, RWS&S of Zone-II and presently working on deputation as In-charge Executive Engineer, Samagra Shiksha, Guntur District.

6. The Engineer-in-Chief, RWS&S, Vijayawada, shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

B RAJSEKHAR
SPECIAL CHIEF SECRETARY TO GOVERNMENT

To
The Individual concerned through the Engineer-in-Chief, RWS&S, A.P., Vijayawada.
The Engineer-in- Chief, RWS&S, A.P., Vijayawada (with a request to serve the copy to the individual)
Copy to:
The PR&RD (Estt.II) Department
The Accountant General, A.P., Vijayawada.
SF/SC

// FORWARDED :: BY ORDER //

SECTION OFFICER